



Rep. Deborah Conroy

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LRB099 07894 AWJ 32606 a

1 AMENDMENT TO HOUSE BILL 3099

2 AMENDMENT NO. _____. Amend House Bill 3099 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Downstate Forest Preserve District Act is
5 amended by changing Sections 3a, 3c, and 6 as follows:

6 (70 ILCS 805/3a) (from Ch. 96 1/2, par. 6305)

7 Sec. 3a. Except as otherwise provided in this Section, and
8 except as provided in Section 3c, 3d, and 3.5, the affairs of
9 the district shall be managed by a board of commissioners
10 consisting of 5 commissioners, who shall be appointed by the
11 presiding officer of the county board of the county in which
12 such forest preserve district is situated, with the advice and
13 consent of such county board. The first appointment shall be
14 made within 90 days and not sooner than 60 days after such
15 forest preserve district has been organized as provided herein.
16 Each member of such board so appointed shall be a legal voter

1 in such district. The first commissioners shall be appointed to
2 hold office for terms of one, 2, 3, 4, and 5 years, and until
3 June 30 thereafter, respectively, as determined and fixed by
4 lot. Thereafter, successor commissioners shall be appointed in
5 the same manner no later than the first day of the month in
6 which the term of a commissioner expires. Except as provided in
7 Section 3c and 3d, a vacancy occurring otherwise than by
8 expiration of term shall be filled for the unexpired term by
9 appointment of a commissioner by the county board chairman with
10 the advice and consent of the members of the county board. In
11 the one district in existence on July 1, 1977, that is managed
12 by an appointed board of commissioners, the incumbent 5
13 commissioners shall complete their respective terms as
14 originally prescribed in this Act. However, upon the expiration
15 of the terms of 2 of the incumbent commissioners on January 1,
16 1978, they or their successors shall be appointed to hold
17 office for terms of 3 and 5 years, and until June 30
18 thereafter, respectively, as determined and fixed by lot.
19 Furthermore, upon the expiration of the terms of the remaining
20 incumbent commissioners on January 1, 1980, they or their
21 successors shall be appointed to hold office for terms of 2, 4,
22 and 5 years, and until June 30 thereafter, respectively, as
23 determined and fixed by lot. Thereafter, each successor
24 commissioner shall be appointed for a term of 5 years. Each
25 member of the board before entering upon the duties of his
26 office shall take the oath prescribed by the constitution. From

1 the time of the appointment of the first board of
2 commissioners, such forest preserve district shall be
3 construed in all courts to be a body corporate and politic by
4 the name and style determined as aforesaid and by such name may
5 sue and be sued, contract and be contracted with, acquire and
6 hold real and personal estate necessary for its corporate
7 purposes and adopt a seal and alter the same at its pleasure.

8 In case the boundaries of a district are co-extensive with
9 the boundaries of any county, city, village, incorporated town
10 or sanitary district, the corporate authorities of such county
11 (until the commissioners elected under Section ~~3c~~ and 3d take
12 office), city, village, incorporated town or sanitary district
13 shall have and exercise the powers and privileges and perform
14 the duties and functions of the commissioners provided for in
15 this Act and in that case no commissioner shall be appointed
16 for that district. The corporate authorities, other than
17 members of a county board in counties under township
18 organization having a population of less than 3,000,000 and
19 members of a county board in a county not under township
20 organization who were elected prior to July 1, 1965, shall act
21 without any other pay than that already provided by law. The
22 members of a county board of a county under township
23 organization and members of a county board of a county not
24 under township organization who were elected prior to July 1,
25 1965, who also act as commissioners of a forest preserve
26 district in counties having a population of less than 3,000,000

1 may receive for their services as commissioners of a forest
2 preserve district a per diem fee to be fixed by such board, but
3 not to exceed \$36 per day, which shall be in full for all
4 services rendered on such day, or an annual salary to be fixed
5 by such board, but not to exceed \$3,000, plus mileage expenses
6 at a rate not more than the amount allowed for members of the
7 county board of such county, as fixed by the board, for each
8 mile necessarily traveled in attending meetings of the board of
9 such district, plus any expense incurred while, or in
10 connection with, carrying out the business of such district
11 outside the boundaries of such district, payable from the
12 forest preserve district treasury. The president of the Board
13 of Commissioners of the Forest Preserve District in counties of
14 less than 3 million may receive in lieu of a per diem fee an
15 annual salary to be fixed by such board. No Forest Preserve
16 Commissioner shall file for a per diem payment for services
17 rendered on the same day for which he filed for a per diem
18 payment as a county supervisor. When the county board also acts
19 as such commissioners, a member of the county board of a county
20 under township organization and a member of the county board of
21 a county not under township organization, who is elected prior
22 to July 1, 1965 may, with the permission of the county board,
23 work alone as such a commissioner and be paid in the usual
24 manner.

25 Unless otherwise qualified, the term "board", when used in
26 this Act, means the board of commissioners of any forest

1 preserve district, or the corporate authorities of any county,
2 city, village, incorporated town, or sanitary district, when
3 acting as the governing body of a forest preserve district.

4 (Source: P.A. 96-239, eff. 8-11-09.)

5 (70 ILCS 805/3c)

6 Sec. 3c. Board ~~Elected board~~ of commissioners in certain
7 counties. If the boundaries of a district are co-extensive with
8 the boundaries of a county having a population of more than
9 800,000 but less than 3,000,000, the county board shall serve
10 as the district board of commissioners of the district
11 beginning the day after the 2018 general election. The terms of
12 the district commissioners elected pursuant to this Section
13 prior to the effective date of this amendatory Act of the 99th
14 General Assembly shall be extended until the day of the 2018
15 general election. ~~all commissioners of the forest preserve~~
16 ~~district shall be elected from the same districts as members of~~
17 ~~the county board beginning with the general election held in~~
18 ~~2002 and each succeeding general election. One commissioner~~
19 ~~shall be elected from each district. At their first meeting~~
20 ~~after their election in 2002 and following each subsequent~~
21 ~~decennial reapportionment of the county under Division 2-3 of~~
22 ~~the Counties Code, the elected commissioners shall publicly by~~
23 ~~lot divide themselves into 2 groups, as equal in size as~~
24 ~~possible. Commissioners from the first group shall serve for~~
25 ~~terms of 2, 4, and 4 years; and commissioners from the second~~

1 ~~group shall serve terms of 4, 4, and 2 years. Beginning with~~
2 ~~the general election in 2002, the president of the board of~~
3 ~~commissioners of the forest preserve district shall be elected~~
4 ~~by the voters of the county, rather than by the commissioners.~~
5 ~~The president shall be a resident of the county and shall be~~
6 ~~elected throughout the county for a 4 year term without having~~
7 ~~been first elected as commissioner of the forest preserve~~
8 ~~district. Each commissioner shall be a resident of the county~~
9 ~~board district from which he or she was elected not later than~~
10 ~~the date of the commencement of the term of office. The term of~~
11 ~~office for the president and commissioners elected under this~~
12 ~~Section shall commence on the first Monday of the month~~
13 ~~following the month of election. Neither a commissioner nor the~~
14 ~~president of the board of commissioners of that forest preserve~~
15 ~~district shall serve simultaneously as member or chairman of~~
16 ~~the county board. No person shall seek election to both the~~
17 ~~forest preserve commission and the county board at the same~~
18 ~~election. The president, with the advice and consent of the~~
19 ~~board of commissioners shall appoint a secretary, treasurer,~~
20 ~~and such other officers as deemed necessary by the board of~~
21 ~~commissioners, which officers need not be members of the board~~
22 ~~of commissioners. The president shall have the powers and~~
23 ~~duties as specified in Section 12 of this Act.~~

24 ~~Candidates for president and commissioner shall be~~
25 ~~candidates of established political parties.~~

26 ~~If a vacancy in the office of president or commissioner~~

1 ~~occurs, other than by expiration of the president's or~~
2 ~~commissioner's term, the forest preserve district board of~~
3 ~~commissioners shall declare that a vacancy exists and~~
4 ~~notification of the vacancy shall be given to the county~~
5 ~~central committee of each established political party within 3~~
6 ~~business days after the occurrence of the vacancy. If the~~
7 ~~vacancy occurs in the office of forest preserve district~~
8 ~~commissioner, the president of the board of commissioners~~
9 ~~shall, within 60 days after the date of the vacancy, with the~~
10 ~~advice and consent of other commissioners then serving, appoint~~
11 ~~a person to serve for the remainder of the unexpired term. The~~
12 ~~appointee shall be affiliated with the same political party as~~
13 ~~the commissioner in whose office the vacancy occurred and be a~~
14 ~~resident of such district. If a vacancy in the office of~~
15 ~~president occurs, other than by expiration of the president's~~
16 ~~term, the remaining members of the board of commissioners~~
17 ~~shall, within 60 days after the vacancy, appoint one of the~~
18 ~~commissioners to serve as president for the remainder of the~~
19 ~~unexpired term. In that case, the office of the commissioner~~
20 ~~who is appointed to serve as president shall be deemed vacant~~
21 ~~and shall be filled within 60 days by appointment of the~~
22 ~~president with the advice and consent of the other forest~~
23 ~~preserve district commissioners. The commissioner who is~~
24 ~~appointed to fill a vacancy in the office of president shall be~~
25 ~~affiliated with the same political party as the person who~~
26 ~~occupied the office of president prior to the vacancy. A person~~

1 ~~appointed to fill a vacancy in the office of president or~~
2 ~~commissioner shall establish his or her party affiliation by~~
3 ~~his or her record of voting in primary elections or by holding~~
4 ~~or having held an office in an established political party~~
5 ~~organization before the appointment. If the appointee has not~~
6 ~~voted in a party primary election or is not holding or has not~~
7 ~~held an office in an established political party organization~~
8 ~~before the appointment, the appointee shall establish his or~~
9 ~~her political party affiliation by his or her record of~~
10 ~~participating in an established political party's nomination~~
11 ~~or election caucus. If, however, more than 28 months remain in~~
12 ~~the unexpired term of a commissioner or the president, the~~
13 ~~appointment shall be until the next general election, at which~~
14 ~~time the vacated office of commissioner or president shall be~~
15 ~~filled by election for the remainder of the term.~~
16 ~~Notwithstanding any law to the contrary, if a vacancy occurs~~
17 ~~after the last day provided in Section 7-12 of the Election~~
18 ~~Code for filing nomination papers for the office of president~~
19 ~~of a forest preserve district where that office is elected as~~
20 ~~provided for in this Section, or as set forth in Section 7-61~~
21 ~~of the Election Code, a vacancy in nomination shall be filled~~
22 ~~by the passage of a resolution by the nominating committee of~~
23 ~~the affected political party within the time periods specified~~
24 ~~in the Election Code. The nominating committee shall consist of~~
25 ~~the chairman of the county central committee and the township~~
26 ~~chairmen of the affected political party. All other vacancies~~

1 ~~in nomination shall be filled in accordance with the provisions~~
2 ~~of the Election Code.~~

3 The county board ~~president and commissioners elected under~~
4 ~~this Section~~ may be reimbursed for its ~~their~~ reasonable
5 expenses actually incurred in performing its ~~their~~ official
6 duties under this Act in accordance with the provisions of
7 Section 3a. The reimbursement paid under this Section shall be
8 paid by the forest preserve district.

9 The county board shall not receive compensation for serving
10 as the board of commissioners of the forest preserve district.
11 ~~Compensation for the president and the forest preserve~~
12 ~~commissioners elected under this Section shall be established~~
13 ~~by the board of commissioners of the forest preserve district.~~

14 This Section does not apply to a forest preserve district
15 created under Section 18.5 of the Conservation District Act.

16 (Source: P.A. 94-617, eff. 8-18-05; 94-900, eff. 6-22-06.)

17 (70 ILCS 805/6) (from Ch. 96 1/2, par. 6309)

18 Sec. 6. Acquisition of property. Any such District shall
19 have power to acquire lands and grounds for the aforesaid
20 purposes by lease, or in fee simple by gift, grant, legacy,
21 purchase or condemnation, or to acquire easements in land, and
22 to construct, lay out, improve and maintain wells, power
23 plants, comfort stations, shelter houses, paths, driveways,
24 public roads, roadways and other improvements and facilities in
25 and through such forest preserves as they shall deem necessary

1 or desirable for the use of such forest preserves by the public
2 and may acquire, develop, improve and maintain waterways in
3 conjunction with the district. No district with a population
4 less than 600,000 shall have the power to purchase, condemn,
5 lease or acquire an easement in property within a municipality
6 without the concurrence of the governing body of the
7 municipality, except where such district is acquiring land for
8 a linear park or trail not to exceed 100 yards in width or is
9 acquiring land contiguous to an existing park or forest
10 preserve, and no municipality shall annex any land for the
11 purpose of defeating a District acquisition once the District
12 has given notice of intent to acquire a specified parcel of
13 land. No district with a population of less than 500,000 shall
14 (i) have the power to condemn property for a linear park or
15 trail within a municipality without the concurrence of the
16 governing body of the municipality or (ii) have the power to
17 condemn property for a linear park or trail in an
18 unincorporated area without the concurrence of the governing
19 body of the township within which the property is located or
20 (iii) once having commenced a proceeding to acquire land by
21 condemnation, dismiss or abandon that proceeding without the
22 consent of the property owners. No district shall establish a
23 trail surface within 50 feet of an occupied dwelling which was
24 in existence prior to the approval of the acquisition by the
25 district without obtaining permission of the owners of the
26 premises or the concurrence of the governing body of the

1 municipality or township within which the property is located.
2 All acquisitions of land by a district with a population less
3 than 600,000 within 1 1/2 miles of a municipality shall be
4 preceded by a conference with the mayor or president of the
5 municipality or his designated agent. If a forest preserve
6 district is in negotiations for acquisition of land with owners
7 of land adjacent to a municipality, the annexation of that land
8 shall be deferred for 6 months. The district shall have no
9 power to acquire an interest in real estate situated outside
10 the district by the exercise of the right of eminent domain, by
11 purchase or by lease, but shall have the power to acquire any
12 such property, or an easement in any such property, which is
13 contiguous to the district by gift, legacy, grant, or lease by
14 the State of Illinois, subject to approval of the county board
15 of the county, and of any forest preserve district or
16 conservation district, within which the property is located.
17 The district shall have the same control of and power over
18 land, an interest in which it has so acquired, as over forest
19 preserves within the district. If any of the powers to acquire
20 lands and hold or improve the same given to Forest Preserve
21 Districts, by Sections 5 and 6 of this Act should be held
22 invalid, such invalidity shall not invalidate the remainder of
23 this Act or any of the other powers herein given and conferred
24 upon the Forest Preserve Districts. Such Forest Preserve
25 Districts shall also have power to lease not to exceed 40 acres
26 of the lands and grounds acquired by it, for a term of not more

1 than 99 years to veterans' organizations as grounds for
2 convalescing sick and disabled veterans, and as a place upon
3 which to construct rehabilitation quarters, or to a county as
4 grounds for a county nursing home or convalescent home. Any
5 such Forest Preserve District shall also have power to grant
6 licenses, easements and rights-of-way for the construction,
7 operation and maintenance upon, under or across any property of
8 such District of facilities for water, sewage, telephone,
9 telegraph, electric, gas or other public service, subject to
10 such terms and conditions as may be determined by such
11 District.

12 Any such District may purchase, but not condemn, a parcel
13 of land and sell a portion thereof for not less than fair
14 market value pursuant to resolution of the Board. Such
15 resolution shall be passed by the affirmative vote of at least
16 2/3 of all members of the board within 30 days after
17 acquisition by the district of such parcel.

18 The corporate authorities of a forest preserve district
19 that (i) is located in a county that has more than 700,000
20 inhabitants, (ii) borders a county that has 1,000,000 or more
21 inhabitants, and (iii) also borders another state, by ordinance
22 or resolution, may authorize the sale or public auction of a
23 structure located on land owned by the district if (i) the
24 structure existed on the land prior to the district's
25 acquisition of the land, (ii) two-thirds of the members of the
26 board of commissioners then holding office find that the

1 structure is not necessary or is not useful to or for the best
2 interest of the forest preserve district, (iii) a condition of
3 sale or auction requires the transferee of the structure to
4 remove the structure from district land, and (iv) prior to the
5 sale or auction, the fair market value of the structure is
6 determined by a written MAI-certified appraisal or by a written
7 certified appraisal of a State certified or licensed real
8 estate appraiser and the appraisal is available for public
9 inspection. The ordinance or resolution shall (i) direct the
10 sale to be conducted by the staff of the district, a listing
11 with local licensed real estate agencies (in which case the
12 terms of the agent's compensation shall be included in the
13 ordinance or resolution), or by public auction, (ii) be
14 published within 7 days after its passage in a newspaper
15 published in the district, and (iii) contain pertinent
16 information concerning the nature of the structure and any
17 terms or conditions of sale or auction. No earlier than 14 days
18 after the publication, the corporate authorities may accept any
19 offer for the structure determined by them to be in the best
20 interest of the district by a vote of two-thirds of the
21 corporate authorities then holding office.

22 Whenever the board of any forest preserve district
23 determines that the public interest will be subserved by
24 vacating any street, roadway, or driveway, or part thereof,
25 located within a forest preserve, it may vacate that street,
26 roadway, or driveway, or part thereof, by an ordinance passed

1 by the affirmative vote of at least 3/4 of all the members of
2 the board, ~~except that the affirmative vote of at least 6/7 of~~
3 ~~all the members of the board is required if the board members~~
4 ~~are elected under Section 3c of this Act.~~ This vote shall be
5 taken by ayes and nays and entered in the records of the board.

6 The determination of the board that the nature and extent
7 of the public use or public interest to be subserved is such as
8 to warrant the vacation of any street, roadway, or driveway, or
9 part thereof, is conclusive, and the passage of such an
10 ordinance is sufficient evidence of that determination,
11 whether so recited in the ordinance or not. The relief to the
12 public from further burden and responsibility of maintaining
13 any street, roadway or driveway, or part thereof, constitutes a
14 public use or public interest authorizing the vacation.

15 Nothing contained in this Section shall be construed to
16 authorize the board of any forest preserve district to vacate
17 any street, roadway, or driveway, or part thereof, that is part
18 of any State or county highway.

19 When property is damaged by the vacation or closing of any
20 street, roadway, or driveway, or part thereof, damage shall be
21 ascertained and paid as provided by law.

22 Except in cases where the deed, or other instrument
23 dedicating a street, roadway, or driveway, or part thereof, has
24 expressly provided for a specific devolution of the title
25 thereto upon the abandonment or vacation thereof, and except
26 where such street, roadway or driveway, or part thereof, is

1 held by the district by lease, or where the district holds an
2 easement in the land included within the street, roadway or
3 driveway, whenever any street, roadway, or driveway, or part
4 thereof is vacated under or by virtue of any ordinance of any
5 forest preserve district, the title to the land in fee simple
6 included within the street, roadway, or driveway, or part
7 thereof, so vacated vests in the forest preserve district.

8 The board of any forest preserve district is authorized to
9 sell at fair market price, gravel, sand, earth and any other
10 material obtained from the lands and waters owned by the
11 district.

12 For the purposes of this Section, "acquiring land" includes
13 acquiring a fee simple, lease or easement in land.

14 (Source: P.A. 97-851, eff. 7-26-12.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."